



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 09/289,507
Application of: Drzaic, et al.
Confirmation No. : 8699
Filed: April 9, 1999
Group Art Unit: 2673
Examiner: Nguyen, Jimmy H.

Attorney Docket No.: INK-039
Customer No.: 26245

Cambridge, Massachusetts
March 13, 2006

RENEWED PETITION UNDER 37 CFR 1.137(b)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

It is hereby respectfully requested that the Office reconsider the Decision on Petition dated January 27, 2006 dismissing applicants' Petition to revive the above-identified application, on the grounds that the Decision was based upon an error of fact.

Essentially, the aforementioned Decision rejected the Petition on the grounds that the Petition failed to provide acceptable drawings; although corrected drawings were submitted with the Petition, the Draftsperson objected to the drawings. However, the Notice of Draftsperson's Patent Drawing Review (Form PTO-948) mailed with the Decision referred to the drawings filed "4-9-99", the filing date of this application, *not* the drawings filed with the Petition on November 14, 2005. Furthermore, some of the objections on Form PTO-948 cannot possibly be applicable to the drawings filed with the Petition. For example, the Form PTO-948 stated that the left margin of Figure 3G was not acceptable. The undersigned attorney has checked the copy of Figure 3G filed with the Petition (via PAIR) and has confirmed that this margin certainly does conform to the Patent Rules.

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Accordingly, on or about February 10, the undersigned attorney telephoned Mr. J. Chase, the Official Draftsman who signed the Form PTO-948. From this telephone conversation, it appears that Mr. Chase did in fact review the informal drawings filed April 9, 1999, on the grounds that these were the only drawings specifically identified as such in the Image File Wrapper; the drawings filed with the Petition were entered into the IFW as part of the Petition itself and did not appear as new drawings.

For the foregoing reasons, it is believed that the Decision was based on an error in fact in that the Official Draftsman reviewed the wrong set of drawings.

Ex abundam cautelam, an additional set of formal drawings, identical to those filed with the Petition, are filed herewith. It is respectfully requested that the Office decide that either the set of formal drawings filed with the Petition, or that filed herewith, are acceptable drawings as required by the Notice of Allowability, and on that basis grant this renewed Petition for Revival of the above application.

Respectfully submitted



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